

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERCEDES HERRERA,

Plaintiff,

vs.

No. 09-cv-02843 THE

LCS FINANCIAL SERVICES
CORPORATION and OCWEN LOAN
SERVICING LLC,

Defendants.

DEPOSITION OF MERCEDES HERRERA

San Francisco, California

Friday, July 30, 2010

Reported by:
GINA GLANTZ
CSR No. 9795, RPR, RMR

JOB No. 140153

15:19:13 1 A Here.

15:19:15 2 Q Do you see the last sentence to the answer to
15:19:19 3 Interrogatory No. 2 that says "In addition, Ms. Herrera
15:19:23 4 informed Carlos, a person who helped her obtain her
15:19:26 5 loan, that the loan would be used to purchase a home for
15:19:29 6 her use"; do you see that?

15:19:37 7 A Yes.

15:19:38 8 Q Who is Carlos?

15:19:40 9 A The person who helped me buy the house.

15:19:47 10 Q What do you mean? Was he a real estate agent
15:19:54 11 or --

15:19:56 12 A He worked for a company that would help people
15:20:05 13 buy houses.

15:20:06 14 Q Do you know the name of the company?

15:20:07 15 A I don't recall. And it's -- it's no longer
15:20:16 16 either.

15:20:17 17 Q Do you know Carlos' last name?

15:20:19 18 A I don't recall.

15:20:27 19 Q Was Carlos the person who filled out your loan
15:20:31 20 applications for you?

15:20:33 21 A Yes.

15:20:35 22 Q Did you talk with Carlos in person or only over
15:20:39 23 the phone?

15:20:39 24 A I saw him twice. And the last time when I went
15:20:53 25 in to sign the papers.

15:20:54 1 Q And was the company he worked for -- what city
15:21:09 2 was he in?

15:21:10 3 A Hayward.

15:21:13 4 Q But you don't recall the name of his company?

15:21:17 5 A No.

15:21:21 6 Q Do you know anyone who knows Carlos?

15:21:27 7 A No.

15:21:27 8 Q Have you spoken with Carlos since you bought
15:21:29 9 your house?

15:21:30 10 A No.

15:21:36 11 MS. OAKLEY: I think that's all that I have.

15:21:43 12 MR. STEINHEIMER: Should we take -- I have
15:21:45 13 probably a half-hour, maybe a little longer.

15:21:49 14 THE VIDEOGRAPHER: Okay.

15:21:52 15 MR. STEINHEIMER: I probably need a microphone
15:21:53 16 at a break.

15:21:55 17 THE VIDEOGRAPHER: Yes. Absolutely, yes. We
15:21:56 18 are now going off the video record. The time is 3:21
15:21:59 19 p.m.

15:22:00 20 (Recess.)

15:22:00 21 (Mr. Martinez did not return to
15:31:36 22 the proceedings.)

15:31:36 23 THE VIDEOGRAPHER: We are now back on the video
15:31:38 24 record. The time is 3:31 p.m.

15:31:38 25 EXAMINATION

15:50:42 1 Q Did you sign this document on September 7th of
15:50:46 2 2005?

15:50:51 3 A When they called me to sign, I was given many
15:51:00 4 papers, and they just said "Sign here," "Sign here,"
15:51:07 5 "Sign here," "Sign here," and that's it. And I asked
15:51:12 6 about whether I should date it, and I was told not to
15:51:19 7 worry.

15:51:19 8 Q Okay. So is that date that's written in that
15:51:22 9 box, that's not your handwriting?

15:51:24 10 A The numbers aren't.

15:51:28 11 Q Okay. Do you know what day you signed this
15:51:30 12 document?

15:51:30 13 A I don't recall.

15:51:34 14 Q You see the lower right-hand corner, it says
15:51:38 15 "K&L Mortgage Service Inc."? Do you see that,
15:51:46 16 Ms. Herrera?

15:51:47 17 A Yes.

15:51:47 18 Q Is that the company that Carlos worked for?

15:51:50 19 A No.

15:51:51 20 Q Prior to signing that third page of Exhibit 5,
15:51:59 21 did you read the document?

15:52:03 22 A No.

15:52:03 23 Q Do you understand where the information in the
15:52:07 24 document came from?

15:52:08 25 A No.

15:52:13 1 Q Do you believe that this information in the
15:52:17 2 document came from a conversation that you had with
15:52:21 3 somebody from K&L Mortgage Service?

15:52:25 4 MR. KENNEDY: Calls for speculation.

15:52:31 5 Go ahead and answer if you can.

15:52:33 6 THE WITNESS: I was asked whether I know about
15:52:40 7 this company?

15:52:42 8 BY MR. STEINHEIMER:

15:52:42 9 Q I'm trying to ask you if you know where the
15:52:44 10 information came from. I believe that you testified
15:52:47 11 earlier that you had provided information over the
15:52:50 12 telephone to somebody with respect to your address,
15:52:57 13 income information, and the like, and that they prepared
15:53:02 14 this document.

15:53:05 15 MR. KENNEDY: Objection. Misstates testimony.

15:53:07 16 BY MR. STEINHEIMER:

15:53:08 17 Q So I'm trying to confirm that that's correct or
15:53:11 18 not. Maybe I misunderstood.

15:53:12 19 A Yes, it was by phone.

15:53:14 20 Q Okay. Can you take a look at this document now
15:53:18 21 and tell me if there's anything in it that you believe
15:53:21 22 is inaccurate.

15:53:25 23 MR. KENNEDY: Take your time. A lot of
15:53:28 24 information on this document.

15:53:30 25 THE WITNESS: Here's my social security number,